

Please cancel claim 21, without prejudice.

Please amend claim 25 as follows:

4 25. (Amended) A method of promoting angiogenesis in ischemic tissue as defined in claim 20 further comprising:

B7 irritating the tissue sufficiently to cause an injury response in the tissue that includes thrombosis and initiates angiogenesis.

Please cancel claim 28, without prejudice.

REMARKS

Applicants have studied the office action and the prosecution history of the parent application (Serial No. 09/164,173). In the last action, it was noted that page 4 of the IDS mailed January 29, 2002, was missing. Applicants maintain that all pages of the IDS were present with the original filing but now provide a copy of the entire copy of that IDS and stamped return receipt postcard with this amendment.

Applicants have amended claim 20 to include relevant subject matter from claims 21 and 22. The claim is now believed to be commensurate in scope with that of the allowed base apparatus claim (claim 5) that was allowed in the parent application. In the rejections that were made in the last office action, the subject matter of claim 21 was not found to be anticipated by the Parker patent and the subject matter of claim 22 was not determined to be anticipated by the Subramaniam patent. Accordingly, newly amended claim 20 combining the relevant subject matter from claims 21 and 22 should be considered to be patentable over those references.

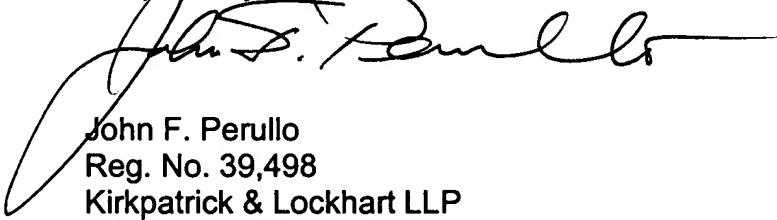
Applicants note that the subject matter of claim 22 is not copied verbatim into claim 20 in this amendment. Claim 22 defines that the angiogenic substance be associated with the implant device after it is implanted. Applicants intend the scope of claim 20 to be slightly broader, encompassing associating the angiogenic substance with the implant before implantation or after implantation. Restricting the moment at which the angiogenic substance is associated with the implant is not believed to be

necessary to define patentable subject matter. Indeed, the base claim allowed in the parent application also did not include a temporal limitation regarding application of the angiogenic substance.

Claim 21 has been cancelled because its subject matter has been added to claim 20. Claim 22 remains unchanged because it narrows the scope of amended claim 20. Claim 25 has been made dependent on claim 20. Claim 28 has been cancelled because its subject matter is now present in base claim 20.

In view of the foregoing, claim 20 and claims 22, 24-27 and 29, dependent on claim 20 are believed to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Claim 20 has been amended as follows:

20. (Amended) A method of promoting angiogenesis in ischemic tissue comprising the steps of:

providing an implant,

associating an angiogenic substance with the implant,

accessing the ischemic tissue,

inserting an the implant into the tissue,

orienting the implant in the tissue to place the tissue in stress by
expanding the implant from a low profile first configuration to a large profile second
configuration.

Claim 21 has been cancelled, without prejudice.

Claim 25 has been amended as follows:

25. (Amended) A method of promoting angiogenesis in ischemic tissue as
defined in claim 20 further comprising:

irritating the tissue sufficiently to cause an injury response in the tissue that includes thrombosis and initiates angiogenesis.

Claim 28 has been cancelled, without prejudice.

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